

# Notice of Allowability

Application No.

09/693,511

Examiner

Thomas Duong

Applicant(s)

SHORT ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 26, 2006.
2. ☒ The allowed claim(s) is/are 1, 3, 5-11, 14-16, 18, and 20-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Response to Arguments*

1. The Applicants' arguments and amendments filed on September 26, 2006 have been fully considered and are persuasive.

### *Allowable Subject Matter*

2. Claims 1, 3, 5-11, 14-16, 18, and 20-26 are allowed. The claims indicated include limitations that the prior arts of record do not appear to teach or render obvious, hence they are allowed.
3. The following is an examiner's statement of reasons for allowance:  
  
As presented in the previous Office Action, Merchant et al. (US006775290B1) discloses, *"storing VLAN data indicating a plurality of VLAN identifiers corresponding to the multiple VLANs supported by the port"* and determining the active connections by comparing *"the VLAN identifier of a data packet received via the port ... with the plurality of VLAN identifiers ... [of] the stored VLAN data"* (Merchant, col.1, lines 54-59). In addition, Merchant discloses, *"many VLAN implementations define VLAN membership by groups of switch ports. For example, ports 1, 2, 3, 7 and 8 on a switch make up VLAN A, while ports 4, 5, and 6 make up VLAN B. Alternatively, VLAN membership may be based on MAC addresses"* (Merchant, col.1, lines 39-43). Hence, Merchant teaches that VLAN A is associated with specific switch ports 1, 2, 3, 7 and 8, which, in turn, are connected to specific machines located at specific locations. For example, machines of department C

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in a company, located on a certain floor, can all be connected to specific switch ports 1, 2, and 3. Therefore, machines of department C are associated with VLAN A and are specifically located on a certain floor of a building.

Also presented in the previous Office Action, Edsall et al. (US005742604) discloses, *"this feature of the invention allows segmenting of a network such that ports of physically separated switches (e.g., in different buildings or on different floors of a building) may be associated in a virtual switch configuration"* (Edsall, col.7, lines 57-61). Hence, Edsall teaches of the ability of configuring a VLAN such that user stations in different buildings or on different floors of a building (i.e., location specific to the buildings or floors) can be associated together as an entity designated by the VLAN identifier defined by the network administrator.

Also presented in the previous Office Action, Lau et al. (US006463478B1) discloses, *"often times, individual segments are lost or damaged during transit. This may be the result of line noise or other factors that function to corrupt the data. In order to anticipate and compensate for such occurrences, computer networks implement error correction protocols capable of requesting retransmission of individual data frames that have been lost or damaged in transit"* (Lau, col.1, lines 51-57). Hence, Lau teaches of implementing an error correction protocol capable of requesting retransmission from the source of lost or damaged packets (i.e., incoming packets with missing information). However, the prior arts of record fail to teach or suggest individually or in combination as stated in the independent claims for "and the processor further comprises a querying agent configured to request transmission of location information associated with the plurality of port identifiers from the associated access concentrator in response to a determination that a packet has been received that fails to include location information;

*and*” and in combination with other limitations as set forth in the independent claims, as well as Applicants’ arguments presented on pages 8-11 of the Amendment filed on September 26, 2006. In the fore mentioned amendment, the Applicants argued, “As such, Lau discloses retransmission of an entire frame, whereas the claimed invention requests location information if a determination is made that the data packet fails to include such information, not retransmission of the entire packet. Moreover, Lau fails to disclose any determination that a data packet fails to include location information as recited in independent claim 1. Thus, Lau fails to teach or suggest a querying agent configured to request transmission of location information associated with the plurality of port identifiers from the associated access concentrator in response to a determination that a data packet has been received that fails to include location information as claimed in independent claim 1.” (pg.10, lines 2-10).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

#### **Conclusion**

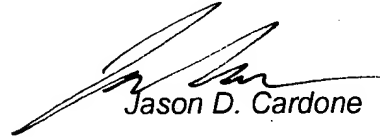
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where

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this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

*Thomas Duong (AU2145)*

*December 6, 2006*

A handwritten signature in black ink, appearing to read 'Jason D. Cardone', is written over the printed name.

Jason D. Cardone

*Supervisory PE (AU2145)*